

Transcript of May 24, 1991 11:30 a.m.
Hearing in Chambers

The Court:

Let the record reflect that we are in Chambers, that we have been discussing settlement, and the case has been resolved.

Present in Court are the plaintiff, with her counsel Howard Louik, the defendant's counsel, Terrance Murphy, Allan Andrascik, Edward Meyers, General Manager of WBZZ and Allan Box, President of EZ Communications.

Both sides have agreed that the amount of settlement will be absolutely confidential. It will not be discussed in any sort of range, whether it be one figure, two figures or 50 figures.

There will be no inkling whatsoever of the range of the settlement other than the parties are permitted to say to anybody that the case was amicably resolved. Both parties are pleased with the settlement. It ends many years of potential litigation. Other than that they will say nothing about it.

The plaintiffs will settle and discontinue the present action G. D. 89-22010.

anybody in filing a complaint with the FCC. She will in no way directly or indirectly assist anybody in filing a complaint.

Further, should she be subpoenaed, in the unlikely event some party that we don't know about files a complaint, she will refuse to testify on the grounds that the Court Order in this present case prohibits her; and, it is understood that if that Order doesn't prevent her, that that will not be a violation of this agreement.

In other words, she will go as far as refusing to testify and saying that you'll have to get approval from Judge Musmanno who will not give approval. If somehow I'm overruled by some higher court, then understand that that's not a breach of the agreement. She has given her assurance that she will not do anything voluntarily in any way to cause you a problem with the FCC. I mean I don't know how much broader I can make it other than that.

The Court:

Further, the parties agree that the record on appeal at G.D. 88-02730, the parties agree that the entire record will be sealed by Court Order, including transcripts of testimony, any pleadings, documents filed, any briefs, letters that were attached as exhibits to those briefs or records. All will be sealed by Court Order.

[There follows a discussion concerning the
Court's Order concerning mutual releases.]

The Court:

The parties further agree that as part of the agreement they intend to execute, that there will be a mutual non-disparagement clause and.....

Mr. Kamin:

A statement in the release that the objected to conduct by Ms. Randolph was not that of management but that of co-workers or co-employees.

The Court:

An essential consideration of this settlement agreement is the need for confidentiality on both sides. Accordingly, it's to be understood by both parties should there be any breach of the confidentiality provisions, that the Court will then entertain a contempt action against the breaching party. In other words, any breach of this agreement will involve a contempt citation.

Mr. Kamin:

Defendants will pay record costs.

The Court:

All the parties were present during the discussion of the terms, and for the record Ms. Randolph, do you agree to the settlement?

Ms. Randolph:

Yes, I do.

The Court:

Mr. Louik?

Mr. Louik:

I do.

The Court:

Mr. Kamin?

Mr. Kamin:

Yes sir.

The Court:

On behalf of the defendant Mr. Box, the President,
do you agree?

Mr. Box:

Yes, I do.

The Court:

Mr. Meyer, do you agree?

Mr. Meyer:

Yes.

The Court:

Mr. Murphy?

Mr. Murphy:

I do.

The Court:

Mr. Andrascik?

Mr. Andrascik:

I do.

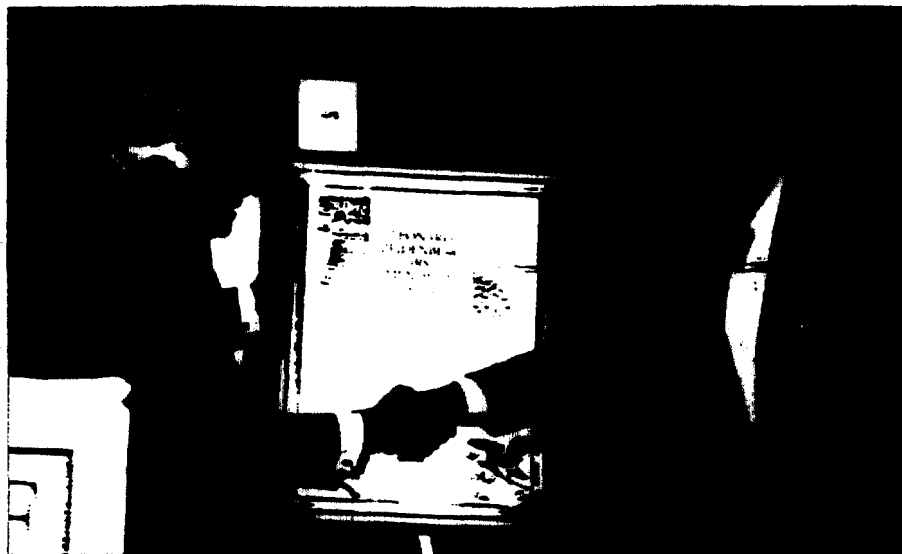
Picking up where they left off last year, House Telecommunications Subcommittee members **Rick Boucher (D-Va.)** and **Mike Oxley (R-Ohio)** have scheduled a press conference today (March 29) on Capitol Hill to reintroduce a bill that would permit telcos to operate cable systems in their telephone-service areas.

Avoiding a potential conflict over the title of its newest first-run action-adventure drama, *Viper*, **Stephen J. Cannell Productions** has changed the name to *Cobra*, its former moniker that Paramount Television Group is using for another drama series in pre-production for CBS's prime time lineup. Also, as a result of the agreement, Cannell Distribution has turned over the national barter sales of *Cobra* to Premier Advertiser Sales, the New York-based ad sales arm of Paramount Communications. To date, Cannell has sold *Cobra* in 71% of the U.S. for its fall 1993 debut.

Acting FCC Chairman Jim Quello and **Mass Media Bureau Chief Roy Stewart** last week warned that broadcasters who continue to violate anti-indecency statutes have more to worry about than just fines. "The next step is revocation," Stewart said in response to questions at a House appropriations subcommittee hearing. Added Quello: "There is no doubt we would go the final step."

The House Judiciary Committee takes up **Major League Baseball's** antitrust exemption at a hearing scheduled for this Wednesday (March 31). Legislation has already been introduced in the House and Senate to eliminate the exemption, which, among other things, permits MLB teams to sell national TV rights as a group.

Thomas E. Harvey, director of personnel for the Bush-Quayle '92 presidential campaign and, before that, director of special projects for Business Executives for National Security, has joined the **Corporation for Public Broadcasting in Washington** as senior vice president and general counsel. Harvey was general counsel at the United States Information Agency from 1983 to 1986.



Walter Cronkite congratulates NBC News's John Chancellor as he receives the Radio and Television News Directors Foundation's Leonard Zeidenberg Award at a Washington dinner last Wednesday. Presenting the First Amendment award are RTNDA President David Bartlett and Beverly Zeidenberg, wife of the late BROADCASTING & CABLE chief correspondent for whom the award is named. Also honored at the dinner was CBS President Emeritus Frank Stanton, who received the foundation's First Amendment Leadership Award.

Discovery Communications Inc. has formed a new subsidiary, **Your Choice TV**, to develop and operate a system of satellite-delivered menus of programs-on-demand to be displayed via digital compression beginning in 1994. The technology, unveiled three months ago, has the backing of DCI shareholders **Tele-Communications Inc.**, **Cox Cable Communications** and **Newhouse Broadcasting**.

General Dynamics suffered a blow to its **Atlas Rocket** program March 24 when the launch of a Navy communications satellite failed. The rocket delivered the satellite to the wrong orbit. This was the first Atlas launch since August 22, 1992, when a rocket failed while attempting to launch the **Galaxy IR** satellite. General Dynamics said there are two more military and two commercial launches scheduled for this year, but there was no word on the payload or the status of those launches.

Two former reporters for CBS affiliate **KCCO-TV Alexandria, Minn. (Minneapolis)**, were sentenced to 10 days of community service and fined \$500 dollars each for supplying alcohol to minors for a local report on teenage drinking that aired last November, according to the prosecutor for the case. Reporter **Kelly Nelson** and cameraman

Jim Talley purchased beer for a high school party in order to stage part of the piece.

KNFX(FM) Waco, Tex., has been sold by a subsidiary of **First Gibraltar Savings of Dallas to Broadcasters Unlimited Inc.**, headed by **Don Chaney**, for \$610,000. The buyer has interests in **KNUE(FM) Tyler** and **KKYR-AM-FM Texarkana**, both Texas. Broker: **Whitley Media**.

Fear of what cable reregulation will bring on April 1 sent major cable system stocks down last week. TCI and Comcast both dropped by about 10% over the course of the week, although by Friday the stocks were starting to rebound slightly. Right before the market closed on Friday, TCI was at 22, and Comcast at 22%.

The premiere of *The Wild West*, a five-part, 10-hour miniseries documentary Warner Bros. Domestic Television Distribution is producing and distributing for the Prime Time Entertainment Network, turned in a 5.9 rating/9 share two-day overnight average (NSI, March 22-23) last Monday and Tuesday. The two installments helped the ad hoc consortium of 25 metered-market independent stations post a 50% share improvement over February 1992 time period programming (3.8/6).

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

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JAN 10 1990
COHEN & BERFIELD

In re Applications of
EDWIN A. BERNSTEIN, et al.
For Construction Permit for
a New FM Station on Channel
241 A, Center Moriches, N. Y.

) MM DOCKET NO. 88-384

) File Nos. BPH-870330NC
) et al.

O R D E R

Adopted: January 11, 1990: Released: January 16, 1990

1. Before the Commission for consideration is a Motion for Extension of Time and Request to Exceed Page Limitation filed December 13, 1989 by The Lefebvre Group.

2. It appears that petitioner requests an extension of time to January 8, 1990 within which to file a ten-page appeal from a Memorandum Opinion and Order of the Review Board, FCC 89R-75, released December 6, 1989; that good cause has been shown; and no oppositions have been filed.

CERTIFICATE OF SERVICE

I, Susie Cruz, do hereby certify that on the 10th day of May 1993, a copy of the foregoing "Motion for Leave to File Application for Review" was sent first-class mail, postage prepaid to the following:

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*HAND-DELIVERED